

## CITY OF HORSESHOE BAY

### CITY COUNCIL PUBLIC MEETING AND PUBLIC HEARINGS

August 28, 2007

The Council of the City of Horseshoe Bay held a Public Meeting and Public Hearings at City Hall, located at #1 Community Drive, Horseshoe Bay, Llano County, Texas, August 28, 2007, in accordance with duly posted notice of said meeting. Mayor Bob Lambert called the meeting to order at 3:00 p.m. with a quorum of Council Members present as follows:

Robert W. Lambert, Mayor  
James E. Babcock, Mayor Pro Tem  
John Bird, Alderman  
Karen Wines, Alderwoman  
Richard Rantzow, Alderman  
Jeff Robinson, Alderman

The posted agenda for this meeting is made a part of these minutes by attachment and the minutes are herewith recorded in the order the agenda items were considered with the agenda subject and item number shown preceding the applicable paragraph.

1. Call to Order and Establish a Quorum: Mayor Bob Lambert called the Public Meeting to order at 3:00 p.m. with a quorum present. Larry Sherwood from the Church at Horseshoe Bay led the invocation. Mayor Lambert led the pledge of allegiance to the United States Flag and the Texas Flag.
2. Comments from Mayor: Mayor Lambert announced that anyone who wanted to speak needed to sign up if they had not done so.
3. Comments from Aldermen: Alderwoman Wines referenced the HSB Beacon putting the cost of the election in paper may be discouraging some from signing up and asked that they not do that in the future. Alderman Bird thanked Police Chief Bill Lane and staff for following up with the ordinance on parking and correcting the issue.
4. Public Comments: Phillip Lee, HSB POA President stated the POA currently has an assessment before the community which is to fund street repair to 66 miles of roads and 96% of homes in the POA area. The assessment must pass by 67% of votes and asked for the support and vote of the Council members and visitors at the meeting. He added the Declarations of Restrictions were not written with the incorporation of the City in mind. The POA is committed to upgrading the streets and then transfer ownership to the City as soon as an agreement can be finalized. Claudia Haydon, Vice-President of the HSB POA stated the POA members are in the process of voting and the POA is making the best possible effort to inform all the members. There will be a Road Rally at Quail Point on Monday, September 10, 2007 at 7:00 p.m. and she invited the Mayor, City Council and the Resort to attend. Dale

Rodman encouraged the Council to let the Lifestyle Committee and the Public Safety professionals speak on the ordinances before the Council votes.

5. Presentation of Staff Awards: Firefighter Josh Nail was presented with a five year service award. Also, Firefighter Amber Taylor received a Certificate of Commendation and Firefighter Wes Aiken received a Medal of Valor for their actions during the June 2007 flood event in Marble Falls.
6. Items to be removed from the Consent Agenda: Mayor Lambert asked to remove item c. and d. to discuss separately as well as the minutes of the July 10, 2007 and August 13, 2007 meetings.
  - c. Ordinance Calling for November 6, 2007 Election
  - d. Resolution to Authorize Mayor to Negotiate and Execute Contracts for Election Services and Joint Election Agreements with Llano County and Burnet County for November 6, 2007 Election.

Ilene Perkett asked to address the Council regarding Item 7.c. stating she has decided she will not seek election to the City Council in November and withdrew her name from consideration and offered her assistance to the City in some capacity if needed. Mayor Lambert stated the filing period is open until September 11 and the Council does need to go ahead and call the election. He will not pursue negotiations on the contracts unless necessary. Alderman Robinson made the motion to approve the ordinance calling for November 6, 2007 Election and the Resolution to authorize Mayor to negotiate and execute contracts for election services and joint election agreements with Llano County and Burnet County for November 6, 2007 election. The motion was seconded by Alderman Rantzow. The motion passed unanimously (5-0).

- a. Minutes of the July 10, 2007 Public Meeting and the August 13, 2007 Public Meeting: Alderman Bird requested the portion containing Mr. Dale Rodman's comments be amended to contain additional comments he made. Alderman Rantzow made the motion to approve after adding the revised paragraph to the July 10, 2007 minutes. The motion was seconded by Alderwoman Wines. The motion passed unanimously (5-0).

Alderman Babcock asked that a copy of his comments concerning the moratorium be attached to the August 13, 2007 minutes. Alderman Robinson made the motion to approve the minutes after attaching the comments. The motion was seconded by Alderman Rantzow. The motion passed unanimously (5-0).

7. Consent Agenda Items:
  - a. Minutes of the July 9, 2007.
  - b. Final Plats:
    - (i) Replat of Lot Nos. 7010 and 7011, Horseshoe Bay Plat No. 7.1 to be known as Horseshoe Bay Plat No. 7.10, Llano County, Texas
    - (ii) Replat of Lot No. 29027, 29028 and 29044, Horseshoe Bay Plat No. 29.1 to be known as Horseshoe Bay Plat No. 29.27, Llano County, Texas
    - (iii) Replat of Lot Nos. N6019 and N6020, Horseshoe Bay North, Plat No. N6.1 to be known as Horseshoe Bay North, Plat No. N6.19, Llano County, Texas
    - (iv) Replat of Lot Nos. 15 and 16, Skywater Over Horseshoe Bay, Plat No. 2.1 to be known as Skywater over Horseshoe Bay, Plat No. 2.15, Llano County, Texas

- (v) Replat of Lot Nos. 2033-A and 2035, Horseshoe Bay Proper, Plat No. 2.14 to be known as Horseshoe Bay Proper, Plat No. 20.19, Llano County, Texas
- (vi) Preliminary Plat of The Trails of Lake LBJ, Phase Three, Horseshoe Bay, Llano County, Texas
- e. Establishing a Standard Format for City Ordinances
- f. Amend Flood Damage Prevention Ordinance No. ORD 06-09-19
- g. Amend Floodplain Management Resolution No. RES 06-09-19
- h. Interlocal Agreement to Join Texas Colorado River Floodplain Coalition
- i. Resolution to Appoint Members of the Executive Committee and the Technical Committee of the Texas Colorado River Floodplain Coalition

Alderman Babcock made the motion to approve the remainder of the Consent Agenda. The motion was seconded by Alderman Rantzow. The motion passed unanimously (5-0).

Mayor Lambert proposed that agenda items 9.c., 13 and 20 be moved up on the agenda before agenda item 8 due to the number of people signed up to speak.

9. Discussion only regarding the following:
  - c. Animal Control Ordinance: Mayor Lambert stated this is on the agenda for discussion only. Cynthia Peoples, Ricky Megeefy and Laura Sakow all spoke in support of the TNR program. Alderman Babcock noted he had already suggested amendments to allow for an exemption to XV.(a)2 to allow for grandfathering of the maximum number of dogs/cats allowed. He added that the Deed Restrictions of the subdivisions in Horseshoe Bay were considered by the Lifestyle Committee when they set the number of allowable dogs/cats at four (4) and even if the City did not put an ordinance in place, the POA could bring action against an individual who violated this restriction. He also wanted to allow foster homes for animals with registration similar to what will be required for breeders. Mr. Babcock added that there are two subdivisions that allow larger animals in their Deed Restrictions and this will need to be added to the ordinance. Alderman Bird read the Deed Restrictions of HSB Proper which supported the fact that the POA's have restrictions. City Attorney, Monte Akers verified that the POA can bring legal action against anyone that violates the Deed Restrictions of their POA. Mayor Lambert recommended that this ordinance be placed on the September 18, 2007 agenda for consideration. Mr. Babcock said he would like the group that has been asking the Council to support the TNR to present a plan to the Council on how to implement this program.
13. Conduct a Public Hearing and Possible Action Regarding Application for a Planned Development Ordinance including an Amendment to the Zoning Ordinance for Rezoning from R-2, Two Family Residential to C-2, General Commercial Lot Nos. 23089, 23094 and a part of Lot No. 23090, Horseshoe Bay Plat No. 23.1, Llano County, Texas: Mayor Lambert convened the Public Hearing at 4:43. Trey Ratliff was the first speaker. Mr. Ratliff lives at 1505 Hi Circle South and opposes the rezoning of this property for any commercial use. The Mayor asked if there was anyone else that wished to speak that had not signed up. Fran Anders lives at 1504 Azure and stated she also opposes the rezoning. Joyce Lagunas owns property nearby also and stated she opposes the rezoning. Mayor Lambert adjourned the Public Hearing. Marley Porter, the architect for the project gave a brief presentation of the

proposed development. Mayor Lambert said the proposed Planned Development Agreement would restrict the developers in what could be built on this property. Mr. Babcock asked the owners that are opposed to the rezoning to meet with the architect and see if they can come to an agreement. Mr. Porter asked for a postponement until the September 18th meeting to allow for discussion with neighboring property owners.

Regular Meeting Adjourned for a Recess: At 4:35 p.m., Mayor Lambert announced that the meeting would adjourn for a short recess.

Regular Meeting Resumed: At 4:45 p.m., Mayor Lambert reconvened the meeting.

20. Consideration and Possible Action on Application for Amendment to the Zoning Ordinance and a Planned Development District by Ordinance for Zone 20, Lot Nos. 28047 and 28048, Horseshoe Bay, Llano County, Texas: Mayor Lambert stated the formal Public Hearing on this issue was at the last meeting, but the Council encourages people to speak. Jim and Susan Maughan who live at 110 Stone's Throw both oppose this rezoning. Cynthia Clinesmith spoke in support of her friends, the Maughans. Ruth Walsh who lives on Stone's Throw stated she has met with Sean Weiser and now supports the project. Mayor Lambert said he has visited the P & K Grocery in Austin and they sell some high end grocery products, meat products and a deli. It is not a large or full-service grocery store. Eric Winter explained the notification procedure used in these instances explaining the City determines which lots are in the 200 feet and asks the appraisal districts for current addresses from their tax records. These are given to the surveyor, developer, or property owner who is responsible for the notification. The City's Zoning Ordinance requirements meet the requirements of the State. Teresa Moore stated the procedure the City Secretary's office followed with regards to the open records request made by Susan Maughan. Sean Weiser, developer noted several changes they had made to the project to ease some of the nearby residents concerns. It was recommended that the PD Ordinance restrict the deliveries to the front of the buildings (except for unusual circumstances), the fence on Stone's Throw will run from property line to property line and the garbage pickup for the businesses will coincide with the residential pickups. Alderman Babcock made the motion to approve the amendment to the Zoning Ordinance and the Planned Development Ordinance with the proposed changes. The motion was seconded by Alderman Robinson. Mr. Bird stated when people bought property where the zoning is residential all around them, he feels he needs to protect that for them and he will vote against this PD Ordinance for that reason. Alderman Babcock stated he would not have considered this if there were not already commercial and multi-family zoning around this area and he feels a multi-family unit would be built in this area if this project is not approved and he believes this is a better project for the City. The motion passed 4-1, with Alderman Bird voting against approval.

Regular Meeting Adjourned for a Recess: At 6:10 p.m., Mayor Lambert announced that the meeting would adjourn for a short recess.

Regular Meeting Resumed: At 6:20 p.m., Mayor Lambert reconvened the meeting.

8. Possible Action regarding the following:

- a. Juvenile Curfew Ordinance: Alderman Rantzow made the motion to pass the ordinance as presented. The motion was seconded by Alderman Robinson. The motion passed unanimously (5-0).
9. Discussion only regarding the following:
- a. Sign Ordinance: Mayor Lambert said the Lifestyle Committee was pleased with the revisions to the sign ordinance. The ordinance will be on the September 18<sup>th</sup> agenda for consideration.
- b. Outdoor Lighting Ordinance: The ordinance will be on the September 18<sup>th</sup> agenda for consideration.
10. General Manager's Report: General Manager Thuss presented his report to the Council, a copy of which is attached and made a part of these minutes.
11. Award of Contract for Garbage Collection: Alderman Rantzow made the motion to award the contract for Garbage Collection to Allied Waste as presented. The motion was seconded by Alderman Babcock. The motion passed unanimously (5-0).
12. Award of Grounds Maintenance Contract: Alderman Robinson made the motion to award the contract for Grounds Maintenance Greenscape as presented. The motion was seconded by Alderman Bird. The motion passed unanimously (5-0).
15. Conduct a Public Hearing and Possible Action Regarding Zoning of a 4.42 Acre tract located on HSB Boulevard Corridor, known as Marina Village Zone 4, Llano County, Texas: Mayor Lambert convened the Public Hearing at 6:52 p.m. No one had signed up to speak, and he adjourned the Public Hearing. Alderman Rantzow made the motion to approve zoning of Marine Village. The motion was seconded by Alderman Robinson. The motion passed unanimously (5-0).
14. Removal of a 4.42 Acre tract located on HSB Boulevard Corridor, Zone 14, Llano County, from the Moratorium extended on August 13, 2007: Alderman Robinson made the motion to remove the 4.42 Acre tract from the Moratorium. The motion was seconded by Alderman Rantzow. The motion passed unanimously (5-0).
16. Conduct a Public Hearing and Consideration of Preliminary Plats:
- a. Replat of Lot Nos. 23089, 23094, 23095 and part of 23090, Horseshoe Bay Plat No. 23.1 to be known as Horseshoe Bay Plat No. 23.45, Llano County, Texas (Hwy 2147, Hi Circle South and Azure)
- b. Replat of Lot No. W24012 and 0.029 acres of right-of-way out of Eagles Nest of Horseshoe Bay West Plat No. W24.1 to be known as Plat No. W24.2, Llano County, Texas (Eagle's Nest)
- c. Replat of Lot No. W4066, Horseshoe Bay West Plat No. W4.1 to be known as Plat No. W4.9, Llano County, Texas (Fault Line Drive)
- d. Replat of Lot Nos. "N" and "O", Jonathan Cove 3, Horseshoe Bay Plat No. 37.1 to be known as Plat No. 37.50, Burnet County, Texas (Hwy 2147)

- e. Replat of Lot Nos. 14-A and 15-A of Trails End, Section One-A, to be known as Lot Nos. 14-A and 15-A, Trails End, Llano County, Texas (111 Christine Circle)
- f. Replat of Lot Nos. 1 Thru 72 of Westgate at Horseshoe Bay, 46.86 Acres out of the Levi Mercer Survey No. 2, Abstract No. 505, to be known as Replat of Lot Nos. 1 Thru 72 Westgate at Horseshoe Bay, Llano County, Texas

Brian Ellis is the owner of the Item 16.b. property and stated he has met with the Architectural Committee and the POA. Mr. Wayne Hurd and Mr. Ron Mitchell both support this request. Mr. Sam Tarbet spoke in support of the replat.

Alderman Robinson made the motion to approve the Preliminary Plats. The motion was seconded by Alderman Rantzow. The motion passed unanimously 5-0

17. Conduct a Public Hearing and Possible Action Regarding Amendments to City of Horseshoe Bay Zoning Ordinance, Llano County, Texas:

18. Conduct a Public Hearing and Possible Action Regarding Amendments to City of Horseshoe Bay Subdivision Ordinance, Llano County, Texas: Mayor Lambert convened the Public Hearings at 7:20 p.m. There were no public comments and he continued the Public Hearings until the September 18, 2007 Council meeting.

19. Amendment to the Zoning Ordinance for Zone 11 The Trails of Lake LBJ, Llano County, Texas: Alderman Babcock made the motion to approve the amendment to the zoning ordinance. The motion was passed by Alderman Rantzow. The motion passed unanimously (5-0).

21. Resolution to Schedule Public Hearing for Creation of Escondido Public Improvement District: Mayor Lambert said this is the start of the process to form a Public Improvement District. There will be a Public Hearing scheduled for the October 16, 2007 Council meeting. Alderman Babcock made the motion to approve the resolution. The motion was seconded by Alderman Rantzow. The motion passed unanimously (5-0).

22. Adjournment: Alderman Rantzow made the motion to adjourn the meeting at 7:24. The motion was seconded by Alderwoman Wines. The motion passed unanimously (5-0).

APPROVED this 18<sup>th</sup> day of September, 2007.

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/S/  
**Robert W. Lambert, Mayor**

ATTEST:

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/S/  
**Toni Vanderburg, City Secretary**